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18 JAN 2008

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In re Application of AWENGEN et al
U.S. Application No.: 10/586,718
PCT Application No.: PCT/EP2005/000528

Int. Filing Date: 20 January 2005

Priority Date Claimed: 23 January 2004

Attorney Docket No.: 3812

For: AUDITORY OSSICLE PROSTHESIS WITH
TUNING OPTION

DECISION

This is in response to the "Petition Under 37 CFR 1.182 to Correct Transmittal Letter" filed 09 January 2008.

BACKGROUND

On 20 January 2005, applicant filed international application PCT/EP2005/000528, which claimed priority of an earlier Germany application filed 23 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 August 2005. The thirty-month period for paying the basic national fee in the United States expired on 23 July 2006.

On 20 July 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 19 December 2007, this Office mailed a communication which identified certain discrepancies with regard to the international application number and bibliographic data.

On 09 January 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The transmittal letter (Form PTO-1390) filed 13 December 2004 listed "PCT/EP2004/014189" as the international application number. However, the filing date, priority date, title of invention, and names of applicants listed on the transmittal letter were

inconsistent with the corresponding data published for international application number PCT/EP2004/014189. The present petition states that the mistakes on the originally filed transmittal letter were inadvertent and made without deceptive intent. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.¹

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¹ Applicant is advised that the declaration filed 20 July 2006 does not properly identify the application to which it is directed.